



Express Mail No. EL401197716US
Docket No. 20511/111693

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)
Akira ASAKURA *et al.*) Examiner: Unassigned
Serial No.: Unassigned) Art Unit: Unassigned
Filed: Herewith)
For: **CYTOCHROME C OXIDASE**)
ENZYME COMPLEX)

New York, NY
November 14, 2000

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the utility patent application of Inventor(s):

Akira ASAKURA, Tatsuo HOSHINO, and Masako SHINJOH

For: **CYTOCHROME C OXIDASE ENZYME COMPLEX**

1. ☒ The application has 38 pages (including specification, claim pages, and abstract).
2. ☒ The declaration and power of attorney
 - a. ☐ has been executed by all the inventors; or
 - b. ☒ has not been executed by all the inventors. A signed declaration and power of attorney will be submitted in due course.
3. ☒ Nine (9) sheets of drawings are enclosed (FIGS. 1-9).
4. ☒ A Sequence Listing is part of this application.
 - a. ☒ A Sequence Listing in both paper and computer readable form (diskette) as required by 37 CFR § 1.821 et seq. is enclosed.
 - b. ☒ A Statement Under 37 CFR § 1.821(f) is enclosed.
5. ☐ An associate power of attorney is enclosed.

6. ☐ An assignment of the invention from the Inventor(s) to F. HOFFMANN-LA ROCHE AG (with Recordation Form Cover Sheet) is enclosed.
- a. ☐ A check in the amount of \$40 is enclosed to cover the recording fee. See paragraph 10.c., below.
- b. ☐ Please charge the recording fee to our Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
7. ☒ Priority is hereby claimed under 35 USC §119 based on Appln. No. 99122842.0 filed in **Europe** on **November 17, 1999**.
- a. ☐ A certified copy of the priority document is enclosed.
- b. ☒ The certified priority document will follow.
8. ☐ Priority is hereby claimed under 35 USC §119(e) based on provisional application Serial No. _____, filed _____, in _____. Please amend the specification by inserting, before the first line, the following sentence: -- This application claims priority under 35 U.S.C. § 119(e) of provisional application Serial No _____, filed _____. --
9. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application plus or minus any claims added or canceled by amendment:

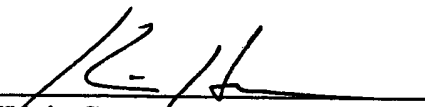
Claims as Filed, Plus/Minus Any Claims Added/Canceled By Amendment

For	Number Filed	Number Extra	Rate	Basic Fee = \$	710.00
Total claims	56 -20=	36	x \$ 18 =	\$	648.00
Independent claims	13 -3=	10	x \$ 78 =	\$	780.00
Multiple Dependent claims	13	--	x \$270 =	\$	3,510.00
Total Filing Fees				\$	2,408.00

- a. ☒ A check in the amount of **\$2,408.00** to cover the filing fee is enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- b. ☐ Please charge Deposit Account No. 02-4467 in the amount of \$ _____. A duplicate copy of this paper is enclosed.
10. ☒ The Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- a. ☒ Any additional filing fees required under 37 CFR Section 1.16 not otherwise paid by check.

- b. ☒ Any patent application processing fees required under 37 CFR Section 1.17 not otherwise paid by check.
- c. ☒ Any additional Assignment recording fees under 37 CFR Section 1.21 (h) not otherwise paid by check.
11. ☐ A preliminary amendment is enclosed. Please enter it before calculating the filing fee.
12. ☐ An Information Disclosure Statement is enclosed.
13. ☒ Address all communications to:
- Mark E. Waddell, Esq.
Bryan Cave, LLP
245 Park Avenue
New York, NY 10167-0034
tel. (212) 692-1800

Respectfully submitted,

By: 
Kevin C. Hooper
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November 13, 2000

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TO THE
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Trademarks

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Docket No.: 20511 US (C38435/111693)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Akira ASAKURA, et al.

Serial No.: 09/712,768

Filed: November 14, 2000

For: **CYTOCHROME C OXIDASE
ENZYME COMPLEX**

Examiner: not yet assigned

Art Unit: 1633

New York, New York
April 5, 2001

**RESPONSE TO NOTICE TO FILE MISSING PARTS AND
PETITION FOR EXTENSION OF TIME**

Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Sir:

The two month shortened statutory period of response to the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted ("Notice") mailed January 8, 2001 expired on March 8, 2001. A one-month extension of time to respond to the Notice is hereby requested. With this extension, the due date will be April 8, 2001. Enclosed is a check in the amount of \$110.00 to cover the fee for the extension of time. Please charge any required extension-of-time fees, or any additional fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.

Applicants submit herewith the following:

(1) Declaration signed by all inventors in compliance with 37 CFR 1.63;

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(2) Part 2 of the Notice;

(3) A check in the amount of \$130.00 to cover the fee.

(4) A check in the amount of \$110.00 for the extension fee.

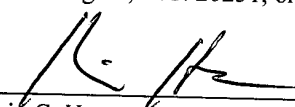
The Notice also asserted that a \$400.00 balance is due as "an additional claim fee." This is an error. The notice states that the fee is "\$918 for 51 total claims over 20," yet this application contains 56 total claims. The transmittal letter of November 14, 2000 indicates that \$648.00 was included in the fee calculation (for 36 total claims over 20) (See copies of the transmittal letter and check for \$2,408.00 attached as exhibit 1).

Our position was confirmed by Mr. Sean Hill and others, of the Customer Service Center-Initial Patent Examination Division. Mr. Hill advised us to file a response to the Notice and explain the error, and that no further action would be due on our part.

Accordingly, we request that the demand for the alleged balance due of \$400.00 be withdrawn by the Patent Office by way of a formal communication. If the Patent Office determines that Mr. Hill and us are wrong, and that the balance is owed, please charge such balance to our Deposit Account No. 02-4467.

If the Examiner has any questions regarding this paper, please contact the undersigned.

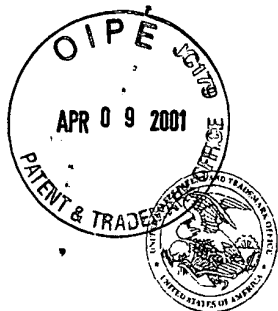
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231, on April 5, 2001.


Kevin C. Hooper, Reg. No. 40,402

Respectfully submitted,

By: 

Kevin C. Hooper
Registration No. 40,402
BRYAN CAVE LLP
245 Park Avenue
New York, NY 10167-0034
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/712,768	11/14/2000	Akira Asakura	20511/111693

Mark E Waddell Esq
Bryan Cave LLP
245 Park Avenue
New York, NY 10167-0034

FORMALITIES LETTER



Date Mailed: 01/08/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$270.
 - \$918 for 51 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 400.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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